

11:20 am, Nov 14, 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD KRANEPOOL,

Plaintiff,
-against-

BECKETT AUCTIONS, LLC d/b/a GOODWIN
& CO.,

Defendant.

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**MEMORANDUM OF
DECISION & ORDER**
2:18-cv-3724 (ADS)(AKT)

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

APPEARANCES:

Harfenist Kraut & Perlstein, LLP
Counsel for the Plaintiff
3000 Marcus Avenue
Lake Success, NY 11042
By: Steven J. Harfenist, Esq., Of Counsel

Law Offices of Charles A. Gruen
Co-Counsel for the Defendants
7703 Fifth Avenue
Brooklyn, NY 11209
By: Charles A. Gruen, Esq., Of Counsel

Condon Tobin Sladek Thornton, PLLC
Co-Counsel for the Defendants
8080 Park Lane, Suite 700
Dallas, TX 75231
By: Kendal B. Reed, Esq., Of Counsel

SPATT, District Judge.

The Court assumes the parties' familiarity with the facts and procedural history of this action. Additional detail that is relevant to the instant motions is provided below. Presently before

the Court is a motion by the Defendant, pursuant to Federal Rule of Civil Procedure (“FED. R. CIV. P.” or “Rule”) 12(b)(6) to dismiss the Plaintiff’s entire complaint and a cross-motion by the Plaintiff, pursuant to Rule 15(a) to amend the complaint. The proposed amended complaint contains additional causes of action that are not addressed in the Defendant’s motion to dismiss. The Defendant has indicated that it does not oppose the Plaintiff’s motion to amend and prefers to re-file its motion to dismiss in response to the proposed amended complaint. Accordingly, it is hereby

ORDERED that the Plaintiff’s motion to amend the complaint is granted; and it is further

ORDERED that the Plaintiff file his proposed amended complaint within five (5) days of this Order; and it is further

ORDERED that the Defendant’s motion to dismiss is terminated as moot; and it is further

ORDERED that the Defendant respond to the Plaintiff’s amended complaint within twenty-eight (28) days of its filing.

SO ORDERED

Dated: Central Islip, New York
November 14, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge